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UNITED STATES OF AMERICA

v.

ALI HAMZA AHMAD SULAYMAN AL BAHLUL

a/k/a Ali Hamza Ahmed Suleiman al Bahlul

a/k/a Abu Anas al Makki

a/k/a Abu Anas al Yemeni

a/k/a Mohammad Anas Abdullah Khalidi

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**CHARGE:**

**CONSPIRACY**

### **JURISDICTION**

1. Jurisdiction for this Military Commission is based on the President's determination of July 3, 2003 that Ali Hamza Ahmad Sulayman al Bahlul (a/k/a Ali Hamza Ahmed Suleiman al Bahlul, a/k/a Abu Anas al Makki, a/k/a Abu Anas al Yemeni a/k/a Mohammad Anas Abdullah Khalidi, hereinafter "al Bahlul") is subject to his Military Order of November 13, 2001.
2. Al Bahlul's charged conduct is triable by a military commission.

### **GENERAL ALLEGATIONS**

3. Al Qaida ("the Base"), was founded by Usama bin Laden and others around 1989 for the purpose of opposing certain governments and officials with force and violence.
4. Usama bin Laden is recognized as the *emir* (prince or leader) of al Qaida.
5. A purpose or goal of al Qaida, as stated by Usama bin Laden and other al Qaida leaders, is to support violent attacks against property and nationals (both military and civilian) of the United States and other countries to force the United States to withdraw its forces from the Arabian Peninsula and in retaliation for U.S. support of Israel.
6. Al Qaida operations and activities are directed by a *shura* (consultation) council composed of committees, including: political committee; military committee; security committee; finance committee; media committee; and religious/legal committee.

7. Between 1989 and 2001, al Qaida established training camps, guest houses, and business operations in Afghanistan, Pakistan, the Sudan and other countries for the purpose of supporting violent attacks against property and nationals (both military and civilian) of the United States and other countries.
8. In August of 1996, Usama bin Laden issued a public “*Declaration of Jihad Against the Americans*,” in which he vowed that al Qaida would take violent actions against the United States unless American military forces withdrew from Saudi Arabia.
9. In February of 1998, Usama bin Laden, Ayman al Zawahari and others endorsed a fatwa under the banner of the “International Islamic Front for Jihad on the Jews and Crusaders.” In this *fatwa* it was declared that all Muslims able do to so “should kill Americans and their allies, both civilian and military.”
10. On or about May 29, 1998, Usama bin Laden issued a statement entitled “The Nuclear Bomb of Islam,” under the banner of the “International Islamic Front for Fighting Jews and Crusaders,” in which he stated that “it is the duty of the Muslims to prepare as much force as possible to terrorize enemies of God.”
11. On or about August 7, 1998, members or associates of al Qaida, known and unknown, assisted in the planning, preparation and commission of the bombing of the United States Embassies in Kenya and Tanzania.
12. On or about October 12, 2000, members or associates of al Qaida, known and unknown, assisted in the planning, preparation, and commission of the bombing of the USS COLE in Yemen.
13. On or about September 11, 2001, members or associates of al Qaida, known and unknown, assisted in the planning, preparation, and commission of the attacks on the United States.

#### **CHARGE: CONSPIRACY**

14. In that Ali Hamza Ahmad Sulayman Al Bahlul (a/k/a Ali Hamza Ahmed Suleiman al Bahlul, a/k/a Abu Anas al Makki, a/k/a Abu Anas al Yemeni, a/k/a Mohammad Anas Abdullah Khalidi, hereinafter “al Bahlul”), did, in Afghanistan, Pakistan, Yemen and other countries, from on or about February 1999 to on or about December 2001, willfully and knowingly join an enterprise of persons who shared a common criminal purpose and conspire and agree with Usama bin Laden (a/k/a Abu Abdullah), Saif al Adel, Dr. Ayman al Zawahari (a/k/a “the Doctor”), Muhammad Atef (a/k/a Abu Hafs al Masri), Salem Ahmed Salem Hamdan (a/k/a Saqr al Jadawi) and other members and associates of the al Qaida organization, known and unknown, to commit the following offenses triable by military commission: attacking civilians; attacking civilian objects; murder by an

unprivileged belligerent; destruction of property by an unprivileged belligerent; and terrorism, said conduct being in the context of and associated with armed conflict.

15. In furtherance of this enterprise and conspiracy, al Bahlul and other members or associates of al Qaida committed the following overt acts:
- a. In 1999, with knowledge of Usama bin Laden's 1996 "*Declaration of Jihad Against the Americans*" and the 1998 fatwa endorsed by bin Laden calling for the "killing of Americans and their allies, both military and civilian," al Bahlul voluntarily traveled from Yemen to Afghanistan (via Pakistan) with the intent and purpose of joining and supporting Usama bin Laden in his expressed cause.
  - b. In 1999, upon arriving in Afghanistan, al Bahlul met Saif al Adel, the head of the al Qaida Security Committee.
  - c. Saif al Adel arranged for al Bahlul to stay at an al Qaida guesthouse near the Qandahar airport in Afghanistan.
  - d. Based upon arrangements made by Saif al Adel, al Bahlul participated in military training for two months at the al Qaida-sponsored Aynak camp in Afghanistan.
  - e. After completing his training at Aynak camp, al Bahlul met with and pledged *bayat* to Usama bin Laden. By pledging *bayat*, al Bahlul affirmed his willingness to perform any act requested by bin Laden and to protect bin Laden from all harm.
  - f. In late 1999, after completing his training at Aynak camp, al Bahlul lived at an al Qaida-sponsored guesthouse in Qandahar and performed duties in support of al Qaida.
  - g. From late 1999 through December 2001, al Bahlul was personally assigned by Usama bin Laden to work in the al Qaida media office. In this capacity, al Bahlul created several instructional and motivational recruiting video tapes on behalf of al Qaida.
  - h. Usama bin Laden personally tasked al Bahlul to create a video glorifying, among other things, the attack on the USS COLE. Al Bahlul created this "USS COLE" video to recruit, motivate and "awaken the Islamic Umma to revolt against America" and inspire al Qaida members and others to continue violent attacks against property and nationals (both military and civilian) of the United States and other countries.

- i. After being placed on alert by Usama bin Laden in the weeks just before the attacks of September 11, 2001, al Bahlul assisted Usama bin Laden and other al Qaida members in mobilizing and moving from Qandahar.
- j. On September 11, 2001, Usama bin Laden tasked al Bahlul to set up a satellite connection so that bin Laden and other al Qaida members could see news reports. Despite his efforts, al Bahlul was unable to obtain a satellite connection because of mountainous terrain.
- k. In the weeks immediately following the attacks of September 11, 2001, Usama bin Laden tasked al Bahlul to obtain media reports concerning the September 11<sup>th</sup> attacks and to gather data concerning the economic damage caused by these attacks.
- l. Both prior to and after the attacks of September 11, 2001, al Bahlul served as a bodyguard and provided protection for Usama bin Laden.
- m. From late 2000 until November 2001, al Bahlul routinely traveled in a caravan of vehicles with Usama bin Laden. While traveling, al Bahlul was armed and wore an explosives –laden belt so that he could provide Usama bin Laden with physical security and protection.